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# **SAN BERNARDINO COUNTY**

## **CEQA Addendum**

### **To The**

### **Mitigated Negative Declaration**

#### **For A**

**CONDITIONAL USE PERMIT TO ESTABLISH  
A PHOTOVOLTAIC SOLAR POWER ELECTRIC GENERATION FACILITY ON A 27-ACRE  
PORTION OF AN 80-ACRE PARCEL IN NEWBERRY SPRINGS**

Assessor Parcel Number: 0531-231-55

Project Number: P200900339

SCH No.: 2009111016

#### **Applicant:**

Newberry Solar 1, LLC  
4250 Executive Square, Suite 525  
La Jolla, CA 92037

#### **Staff Contact:**

Doug Feremenga  
[dferemenga@lusc.sbcounty.gov](mailto:dferemenga@lusc.sbcounty.gov)  
(909) 387-568-8311

## **SUMMARY OF THIS DOCUMENT**

This addendum assesses the environmental impact(s) of the proposed revisions to a Conditional Use Permit to establish a 27-acre photovoltaic (PV) solar power electric generation facility (Project), as required by the California Environmental Quality Act (CEQA) (California Public Resources Code 21000 et seq.) and in compliance with the State CEQA Guidelines (14 California Code of Regulations 15000 et seq.). The original Conditional Use Permit (“CUP” or “Project”), which was submitted by Solutions for Utilities, Inc. (Applicant), was approved by the San Bernardino County (County) Board of Supervisors on July 13, 2010 (Agenda Item # 93).

The County, as the lead agency under CEQA, will consider the potential environmental impacts of the revised project when it considers whether or not to approve these changes as part of the original Project. This Addendum is an informational document, intended to be used in the planning and decision making process as provided for under Section 15164 of the CEQA

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Guidelines. This Addendum neither recommends approval or denial of the proposed revisions to the Project nor will it be the sole basis for the County's action on the revised Project.

The fundamental conclusion of this addendum is that the proposed changes to the original Project will not result in new significant impacts nor substantially increase the severity of previously disclosed impacts beyond those already identified in the original Project. Thus, a subsequent or supplemental Negative Declaration need not be prepared.

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

This addendum analyzes the proposed Project revisions as required under the CEQA Guidelines, Sections 15162 and 15164.

Under CEQA Guidelines Section 15164, an addendum to an adopted negative declaration shall be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent negative declaration or Environmental Impact Report (EIR) have occurred. Under Section 15162, the lead agency shall prepare an EIR if there are any new significant environmental effects associated with the refined project. With respect to the proposed Project, the revisions are only minor technical changes that do not result in any new significant environmental effect(s); therefore, the revised Project does not require an EIR.

### **BACKGROUND**

The Mitigated Negative Declaration for the original Project was drafted to analyze the potential environmental impacts of the proposed development of a three-megawatt (MWac) solar PV electricity generation facility on a 27-acre portion of an 80 acre property located north of Cottonwood Road and west of Mountain View Road in Newberry Springs. This project proposed the use of single-axis, non-tracking solar PV panels that would be installed in rows and would vary from a height of six-to-seven feet measured from ground surface.

A 500-square foot unmanned mobile office with remote monitoring units to track the performance of the Project from off site was also proposed. Maintenance and repair crews would be dispatched to the site as needed. The solar PV facilities would operate 24 hours per day, seven days per week. An existing onsite groundwater well and proposed water storage tank, along with a surface parking areas to accommodate three vehicles, were also included to support onsite operations. In addition, three onsite rainwater retention ponds of depth ranging from five to seven feet were included in the original design.

The original CUP was approved by the County Planning Commission on April 22, 2010 (Agenda Item No. 3). On April 30, 2010 James and Ramona Doles filed a timely appeal of the Planning Commission's approval of the Project. The County Board of Supervisors subsequently approved the Project on July 13, 2010 with two amendments: 1) The Board directed that the portion of the CUP related to the paving requirement be amended to reflect that the Applicant

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agrees to ensure that there is a total of 26 feet of paved road to be consistent with the requirements from County Fire; and 2) The Applicant was required to sign an agreement to participate in the funding of future widening of the road when and if traffic generation of public safety require it.

Solutions for Utilities subsequently sold and transferred all rights and entitlements to APN 0531-213-55 to Concentrix Solar Inc., the parent company to Newberry Solar 1, LLC., the Applicant for the revised Project.

## **PROJECT DESCRIPTION**

The request is for a revision to an approved solar power generation facility (3 MWac) to modify the photovoltaic technology to use less equipment; thereby resulting in a smaller Project footprint and less disturbance on the 27-acre portion of the 80-acre site.

The revised Project will remain consistent with the approved CUP and would continue with the same Conditions of Approval and Mitigation Measures as previously approved by the County Board. The revised Project will also remain a three-MWac solar facility and will connect into the distribution lines of Southern California Edison.

### **Technology**

The revised Project will use different technology than what was previously approved. It will utilize Concentrix Solar's concentrated PV (CPV) panels installed on a dual-axis tracking system (trackers), rather than the originally proposed single-axis solar PV panels.

The primary difference between the original technology and the revised technology is the height of the equipment. The Concentrix Solar CPV equipment, once installed, will reach a maximum of 28 feet (as measured from the ground surface) compared to the six-to-seven feet proposed in the original Project design. Panels of three different heights and widths would be installed in repeating rows, with the smaller panels closer to Mountain View Road. Table 1 shows the anticipated panel dimensions of the revised technology.

**Table 1: Solar CPV Panel Dimensions**

<b>CPV Panel Type</b>	<b>Width (Feet)</b>	<b>Length (Feet)</b>	<b>Distance from Ground Surface (when panel is vertical)</b>	<b>Maximum Height (Measured from Ground Surface)</b>
6 kW	18	21	3.3	21
11 kW	21	34.5	4	25
22 kW	24.3	47.9	10.5	27.5

## PROJECT IMPACTS

A comparison of the original and the revised Projects' potential impacts is shown in Table 2.

**Table 2:** A Comparison of the Original and Revised Project Impacts

	<b>Original Project</b> (Solutions for Utilities)	<b>Revised Project</b> (Concentrix CPV)
Land Use	<ul style="list-style-type: none"><li>• Significant grading</li><li>• Land exclusively used for the proposed solar PV Project</li></ul>	<ul style="list-style-type: none"><li>• Minimal grading (if at all)</li><li>• With this technology, the use of the site for solar electricity generation does not preclude the potential dual use for other RL compatible uses e.g., a residence or accessory crop production</li></ul>
Hazardous Material	Thousands of PV wafers <sup>1</sup> needed	325 times less semiconducting material than regular PV
Fire Access	Specific roadway designated for emergency vehicles' access.	All rows wide enough for emergency vehicles
Vegetation	No plant life can live underneath	Vegetation can grow below trackers; therefore, site regenerates faster compared to the original project
Sun glare	Sunlight reflects off of the metal frames	None

The most potential significant impact from the proposed revision would be to visual resources. As such the potential impacts to aesthetics/visual resources are discussed below; specifically whether the revised proposed Project would have more severe impacts than what was anticipated in the original Mitigated Negative Declaration.

### **Aesthetics/Visual Resources**

The original Project analysis had the following findings pertaining to aesthetics/visual resources:

- The viewshed from the scattered residences across the street may be interrupted by rows of photovoltaic panels, which would vary in height from six to seven feet, and will be visible through a six-foot chain-link fence along the property line. Impacts from the project are found to be less than significant;

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<sup>1</sup> A wafer is a thin slice of semiconductor material, such as a silicon crystal, used in the fabrication of integrated circuits and other micro devices.

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- The adjacent streets have not been designated as scenic routes; therefore, no impact to scenic routes were anticipated; and
- The following standards are applicable to all structures and free-standing outdoor lights to be used as part of the proposed project: (1) Any lighting for new construction shall be shielded to preclude light pollution or light trespass on adjacent property, on any other property within the line of sight (direct or reflected) of the light source, or to any member of the public who may be traveling on adjacent roadways or rights-of-way. (2) Any proposed lighting associated with the project will be in conformance with this ordinance and, therefore, adverse effects to day or night views from lighting or glare will be less than significant. No light will be emitted by the photovoltaic panels. There may be lighting for the mobile office or for security at the project site, but the mitigation measures here require the lighting to be shielded and directed downwards so they do not shine onto adjacent properties or be distracting to users of surrounding roadways.

Overall, visual Impacts expected from the original Project are anticipated to be minor and not considered significant with implementation of the Project's Conditions of Approval.

The revised Project would not result in any effects to visual resources that are more severe than those described in the original Mitigated Negative Declaration. The revised Project proposes equipment ranging in height from approximately 21-to-28 feet. While the maximum height exceeds what was originally designed for this site, it is still below the County Code height restriction of 35 feet (maximum) in the RL zone. It remains true that the solar panels are much less visually intrusive than other compatible uses.

The light and glare from the equipment onsite and potentially from security and other lighting on the Project site would remain less than significant. The lighting standards contained in the Aesthetics/Visual section of the original Project would be adequate to mitigate potentially significant light and glare impacts associated with the revised project. In addition, the Conditions of Approval for the original Project would still apply and further minimize glare generated by night-lighting associated with future development of the site. Specifically, Condition of Approval No 15 states:

***Continuous Maintenance.*** *The current project property owner and developer shall continually maintain the property so that it is **visually attractive** and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The developer shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. (Revised: 09/20/10)*

As with the approved project, the revised Project's residual impact would be less than significant. Also consistent with the approved project, the proposed project's contribution to cumulative visual impacts would not be considerable.

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**No other potentially significant impacts are identified with regards to the proposed revisions.**

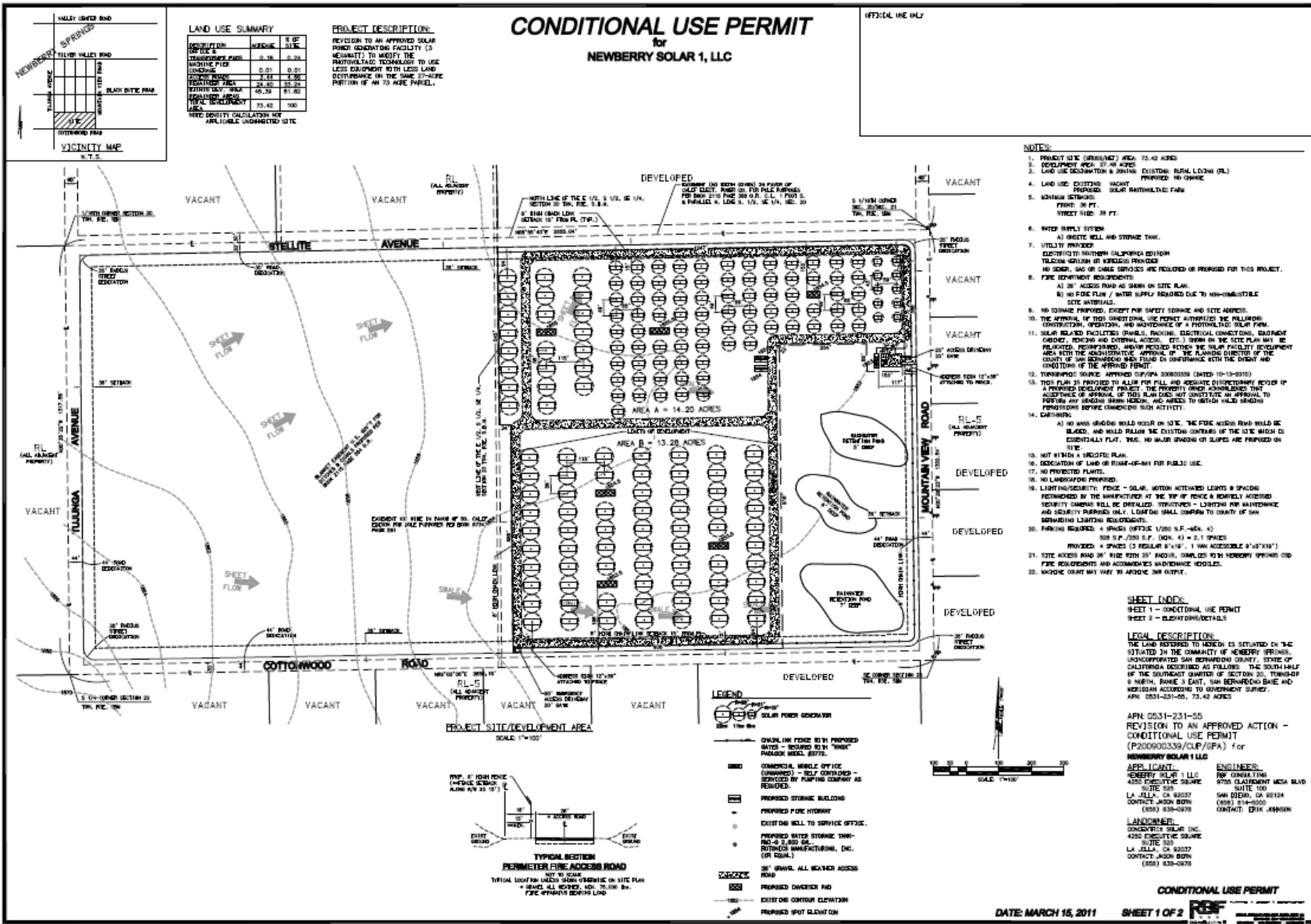
### **LAND USE SERVICES DEPARTMENT FINDINGS**

It is the finding of the Planning Department that the previous environmental document as herein amended may be used to fulfill the environmental review requirements of the current project. Because the current project meets the conditions for the application of State CEQA Guidelines Section 15164, preparation of a new EIR or Negative Declaration is not required for the issue areas discussed above.

Discretionary processing of the revised solar photovoltaic Project on APN. 0531-231-55 and Project No. 200900339 may now proceed with the understanding that any substantial changes in the proposal may be subject to further environmental review.

### **ATTACHMENTS**

- Attachment A: Revised Site Plan, Elevations and Details
  - Attachment B: Original Site Plan
  - Attachment C: Original Mitigated Negative Declaration
  - Attachment D: Approved Conditions of Approval
  - Attachment E: Revised Compliance Forms
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**LAND USE SUMMARY**

DESCRIPTION	ACRES	S.F.
OFFICE & STORAGE	0.78	33,744
LANDSCAPING	0.01	4,356
ROADS	2.74	119,124
UTILITIES	24.42	1,063,224
TOTAL DEVELOPMENT	28.95	1,220,448
TOTAL SITE	73.42	3,214,800

NET DENSITY CALCULATION FOR APPLICABLE UNZONED SITE

**PROJECT DESCRIPTION:**  
 REVISION TO AN APPROVED SOLAR POWER GENERATOR FACILITY (3 NEARBY) TO MODIFY THE MATERIALS TO ALLOW TO USE LESS COMPOST WITH LESS LAND DISTURBANCE IN THE SAME 20-ACRE PORTION OF AN 80-ACRE PARCEL.

# CONDITIONAL USE PERMIT

for  
**NEWBERRY SOLAR 1, LLC**

OFFICIAL USE ONLY

- NOTES:**
- PROJECT USE (UNZONED) AREA: 73.42 ACRES
  - DEVELOPMENT AREA: 28.95 ACRES
  - LAND USE (COMPOSITION & DENSITY) EXISTING: RURAL LOW-DENSITY (RL)
  - LAND USE (EXISTING) VACANT: PROVIDED: NO CHANGE
  - ADDITIONAL SETBACKS:  
 FRONT: 30 FT.  
 STREET: 30 FT.
  - WATER SUPPLY SYSTEM:  
 A) PRIVATE WELL AND STORAGE TANK.  
 B) UTILITY PROVIDED.  
 C) IDENTIFIED IN SOUTHERN CALIFORNIA REGIONAL TREATMENT PLANT OR WASTEWATER TREATMENT PLANT. NO SEWER, GAS OR OIL SERVICES ARE PROVIDED OR PROVIDED FOR THIS PROJECT.
  - FIRE REQUIREMENT REQUIREMENTS:  
 A) 30' ACCESS ROAD AS SHOWN ON SITE PLAN.  
 B) NO FDS PLAN / WATER SUPPLY REQUIRED DUE TO NON-COMBUSTIBLE SITE MATERIALS.
  - NO SIGNAGE PROVIDED. EXCEPT FOR SAFETY SIGNAGE AND SITE ADDRESS.
  - THE APPROVAL OF THIS CONDITIONAL USE PERMIT AUTHORIZES THE FOLLOWING: CONSTRUCTION, OPERATION, AND MAINTENANCE OF A PHOTOVOLTAIC SOLAR FARM. INCLUDING: FOUNDATION, PANELS, RACKING, ELECTRICAL CONNECTIONS, EQUIPMENT, CABLES, PILING AND INTERNAL ACCESS. ETC.) SHOWN ON THE SITE PLAN MAY BE PROVIDED. REQUIREMENTS: APPROVAL REQUIRED FROM THE SOLAR FACILITY DEVELOPMENT AREA WITH THE ADMINISTRATIVE APPROVAL OF THE PLANNING DIRECTOR OF THE COUNTY OF SAN BERNARDINO. THIS PLAN IS TO BE CONSIDERED WITH THE DENSITY AND CONDITIONS OF THE APPROVED PERMIT.
  - THIRTY-TWO (32) APPROVED OFF-ROAD ACCESSORS (LIMITED TO 10-15-2015)
  - THIS PLAN IS PROVIDED TO ALLOW FOR FULL AND COMPLETE DISSEMINATION OF A PROPOSED DEVELOPMENT PROJECT. THE PROPERTY OWNER ACKNOWLEDGES THAT ACCEPTANCE OF APPROVAL OF THIS PLAN DOES NOT CONSTITUTE AN APPROVAL TO PERFORM ANY SIGNAGE OR OTHER ACTS. AND AGREES TO OBTAIN ALL NECESSARY PERMITS FROM THE COUNTY OF SAN BERNARDINO.
  - CLEARING:  
 A) NO SIGNAGE SHALL BE PLACED ON SITE. THE FDS WHICH SHALL BE BLAZED, AND SHALL FOLLOW THE EXISTING CONTOURS OF THE SITE WHICH IS ESSENTIALLY FLAT. THERE NO MAJOR SLOPING OR SLOPES ARE PROVIDED ON SITE.
  - NOT WITHIN A PROTECTED PLANT.
  - NO PROTECTED PLANTS.
  - NO LANDSCAPING PROVIDED.
  - LIGHTING REQUIREMENTS: FENCE - SOLAR. MOTION ACTIVATED LIGHTS 8 SPACES PERMANENTLY BY THE MANUFACTURER OF THE TYPE OF FENCE A REASONABLY ACCEPTED SECURITY STANDARDS WILL BE DETAILED. STRUCTURES - LIGHTING FOR MAINTENANCE AND SECURITY PURPOSES ONLY. LIGHTING SHALL COMPLY TO COUNTY OF SAN BERNARDINO LIGHTING REGULATIONS.
  - PARKING REQUIRED: 4 SPACES (OFFICE) 1/200 S.F. (MAX. 4) = 2.1 SPACES  
 PROVIDED: 4 SPACES (2 REAR) 8'x10', 1 PARK ACCESSIBLE 8'x12'x18'
  - SITE ACCESS ROAD 30' WIDE WITH 30' PAVEMENT, COMPLED WITH NECESSARY STORM DRAINAGE REQUIREMENTS AND ACCORDING TO MAINTENANCE SCHEDULES.
  - WASTEWATER TREATMENT SHALL BE PROVIDED AS SHOWN.

**SHEET INDEX:**  
 SHEET 1 - CONDITIONAL USE PERMIT  
 SHEET 2 - ELEVATION/DETAILS

**LEGAL DESCRIPTION:**  
 THE LAND REFERRED TO HEREIN IS SITUATED ON THE 34<sup>TH</sup> SECTION IN THE COMMUNITY OF NEWBERRY SPRINGS, UNINCORPORATED SAN BERNARDINO COUNTY, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS: THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 8 NORTH, RANGE 3 EAST, SAN BERNARDINO SH&M AND MERIDIAN ACCORDING TO GOVERNMENT SURVEY.  
 APN: 2531-231-05, 73.42 ACRES

APN: 0531-231-05  
 REVISION TO AN APPROVED ACTION - CONDITIONAL USE PERMIT (P20060339/CLP/SFA) for NEWBERRY SOLAR 1 LLC

**APP. CLIENT:**  
 NEWBERRY SOLAR 1 LLC  
 4250 CASCADIA BLVD  
 SUITE 200  
 LA JOLLA, CA 92037  
 CONTACT: JASON BORN  
 (858) 438-0078

**ENGINEER:**  
 RAY CONNER TRNG  
 9700 CLAYMOUNT MECA BLVD  
 SUITE 100  
 SAN DIEGO, CA 92124  
 (858) 514-0000  
 CONTACT: ERIC JOHNSON

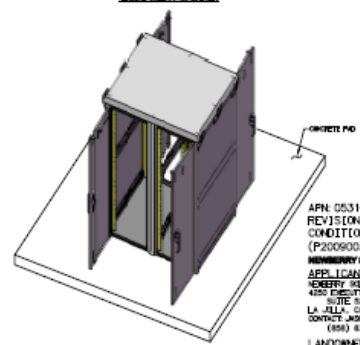
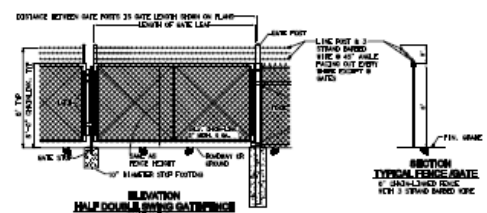
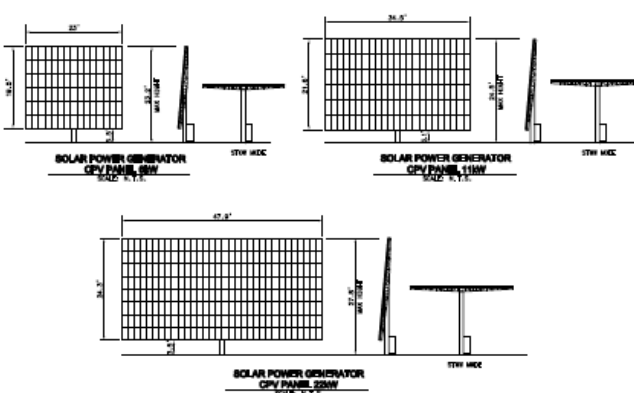
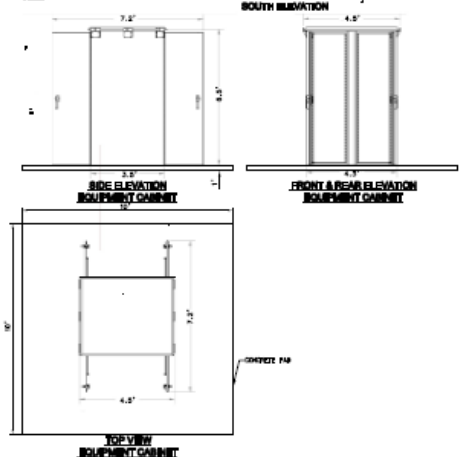
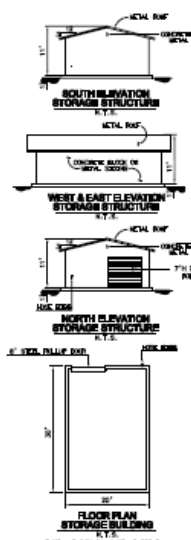
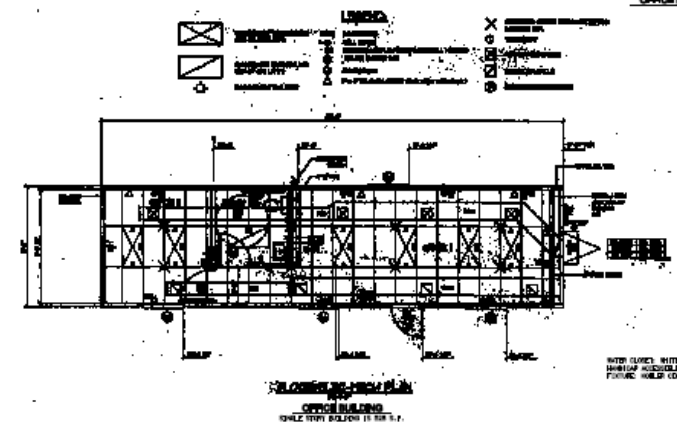
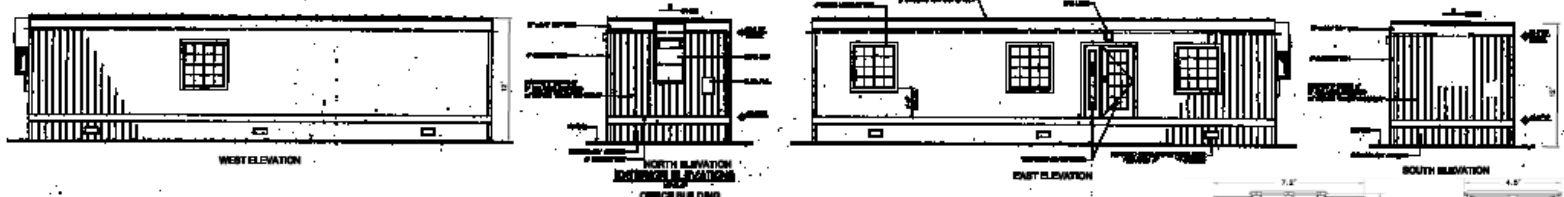
**LANDSCAPER:**  
 CONCENTRIA SOLAR, INC.  
 4250 CASCADIA BLVD  
 SUITE 200  
 LA JOLLA, CA 92037  
 CONTACT: JASON BORN  
 (858) 438-0078

**CONDITIONAL USE PERMIT**

DATE: MARCH 15, 2011 SHEET 1 OF 2

# CONDITIONAL USE PERMIT

for  
NEWBERRY SOLAR 1, LLC



APN 0531-231-55  
REVISION TO AN APPROVED ACTION -  
CONDITIONAL USE PERMIT  
(P200900339/CLP/CPA) for  
NEWBERRY SOLAR 1 LLC

APPLICANT:  
NEWBERRY SOLAR 1 LLC  
4350 ELECTRIC DRIVE  
SUITE 500  
LA JOLLA, CA 92037  
CONTACT: JASON BOHN  
(858) 838-0978

ENGINEER:  
EPK CONSULTING  
9750 CLAYMONT MESA BLVD  
SUITE 100  
SAN DIEGO, CA 92124  
(619) 514-8000  
CONTACT: ERIC JOHNSON

LANDSCAPE:  
CONDORVILLE SOLAR, INC.  
4350 ELECTRIC DRIVE  
SUITE 500  
LA JOLLA, CA 92037  
CONTACT: JASON BOHN  
(858) 838-0978

DATE: MARCH 15, 2011 SHEET 2 OF 2



